

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No.254/2020

(Mohammad Jawed Abdul Wahab V State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V. Sirpurkar, Adv for applicant.
Shri Mahesh Rai, Adv for intervenor.
Shri K.L. Dharmadhikari, APP for State.

CORAM : S.M. MODAK, J.

DATE : 09-06-2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Sirpurkar for the applicant, Shri Dharmadhikari, learned APP for the State and learned Advocate Shri Rai for the first informant.

3. It is true that the Hon'ble Supreme Court granted liberty to this accused to renew the bail application after a period of six months from 02-04-2019.

4. Thereafter, the applicant has moved before the trial Magistrate. His request was rejected as per order dated 04-12-2019. He was also not successful before the Sessions Court when his application for bail came to be rejected vide order dated 07-01-2020.

5. Through learned Advocates, I have tried to ascertain what is the stage of the trial. My attention is also brought to say

filed on behalf of the prosecution before the Sessions Court in Bail Application No.427/2019 (Page 152). There is an attempt to explain the events that took place before the trial Magistrate. The issue of grant of pardon to co-accused-Jyotsna Mohammad Jawed is also pending. When the applicant is not successful in getting the bail, it is also the duty of the Court to see that the trial should not be prolonged. The applicant contends that there is one proceeding filed by him thereby challenging the order granting pardon.

6. The applicant is directed to place copy of that proceeding before this Court.

7. Matter is kept in the second half.

At 2.30 pm

Heard learned Advocate Shri Sirpurkar for the applicant, learned APP Shri Dharmadhikari assisted by learned Advocate Shri Rai for the first informant.

2. As stated in the first half, learned Advocate Shri Sirpurkar enlightened the Court about filing of a Criminal Application by his client. It is against the order of the Sessions Court thereby confirming the order granting pardon to co-accused-Jyotsna Mohammad Jawed. It is submitted on behalf of the prosecution that though that application is pending, this Court has not granted stay. It is also submitted that it is dangerous to release the accused on bail considering his previous antecedents

of threatening the witnesses.

3. At this stage, learned Advocate Shri Sirpurkar seeks leave to withdraw the application with liberty to move the Sessions Court on the basis of the guidelines issued by the High Power Committee in view of the pandemic situation.

4. In view of this, application is disposed of with liberty to the applicant to move the Sessions Court on the basis of directions of the High Power Committee.

5. If such application is filed it be decided as per the criteria laid down in the guidelines of the High Power Committee.

6. Application is disposed of.

(S.M. Modak, J.)